

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LISETTE C WILLIAMS,

Plaintiff,

v.

DEPARTMENT OF THE ARMY, JUDGE
ADVOCATE GENERAL,

Defendant.

CASE NO. 3:21-cv-05500-DGE

ORDER DENYING MOTION TO
APPOINT COUNSEL
(DKT. NO. 48)

I INTRODUCTION

This matter comes before the Court on Plaintiff Lisette C. Williams’ Motion to Appoint Counsel for her minor children (“Motion”). (Dkt. No. 48.)

II BACKGROUND

Plaintiff Williams, a non-lawyer, brought suit against the United States on behalf of herself and her children. She is proceeding pro se and in forma pauperis. Her claims stem from an allegedly false report an army base nurse made to Child Protective Services (“CPS”). (*See* Dkt. No. 28.) The Amended Complaint asserts the nurse erroneously filed the report after

1 Plaintiff Williams missed medical appointments which Plaintiff Williams was not aware of.
2 (Dkt. No. 28 at 2.) Plaintiff Williams asserts the report contained her minor children’s sensitive
3 medical information. (*Id.* at 1–2.) Plaintiff Williams alleges her minor children suffered
4 damages because of the false report. (*Id.* at 4.) Plaintiff Williams asks the Court to appoint
5 counsel on behalf of her minor children. (Dkt. No. 48.)

6 III DISCUSSION

7 Parents or guardians ad litem may not bring lawsuits “on behalf of minor children
8 without retaining a lawyer.” *Johns v. County of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997).
9 This rationale is “it is not in the interest of minors or incompetents that they be represented by
10 non-attorneys.” *Id.* (quoting *Osei-Afriyie v. Medical College of Pennsylvania*, 937 F.2d 876,
11 882-83 (3rd Cir. 1991)).

12 The Western District of Washington previously interpreted the Ninth Circuit’s holding to
13 preclude non-lawyer parents from filing *any* motion on behalf of their child, including motions to
14 appoint counsel. *Williams on behalf of TLW v. Cent. Kitsap Sch. Dist.*, No. 21-5298 RJB, 2021
15 WL 9684303, at *1. Generally, this is a logical conclusion, given the Ninth Circuit’s language
16 prohibits parents from “bring[ing] an *action*” itself. *Johns* 114 F.3d at 877 (emphasis added). It
17 follows that if a parent cannot bring an action, they cannot bring a motion in that action.

18 Because Plaintiff Williams is not an attorney and was not authorized to file a lawsuit on
19 behalf of her minor children, she is unable to advance her minor children’s claims and is not
20 authorized to present any requests to the Court on behalf of her children.

A. CONCLUSION

Accordingly, and having considered Plaintiff Williams' motion, the briefing of the parties, and the remainder of the record, the Court finds and ORDERS that the Motion to Appoint Counsel is DENIED.

Dated this 14th day of June, 2023.

A handwritten signature in black ink, appearing to read 'D. Estudillo', written over a horizontal line.

David G. Estudillo
United States District Judge